

25.09.2023.

Ct. No. 1
Item No. 8
Sp
Rejected

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 577 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 13.09.2023 in connection with Falakata Police Station Case No. 611 of 2022 dated 11.11.2022 under Section 376 AB of the Indian Penal Code read with Section 6 of the POCSO Act, 2012.

And

In the matter of: **Jakir Hossain @ Hussain.**

...petitioner

Mr. Kalipada Das

...For the petitioner

Mr. Nilay Chakraborty

....For the State

Ms. Rima Sarkar

... For the de facto complainant

1. The application for bail is canvassed on the ground that the Medical Officer in course of trial has deposed that there is no external injury on the victim girl.

2. This Court notes that the trial has commenced under Section 6 of the POCSO Act and Section 376 AB of the IPC.

3. This Court has carefully gone through the deposition recorded by the Special Court at Alipurduar in Special Case (POCSO) No. 119 of 2022.

4. This Court does not wish to elaborate on the facts as it may prejudice either parties in course of trial prima

facie the evidence of PW 1 cannot be deemed as contradictory with that of the Medical Officer. This is only a tentative observation.

5. This Court has carefully considered the evidence of PW 1 and the other witnesses and compared the same as that of the Medical practitioner.

6. In the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

7. CRM (DB) No. 577 of 2023 is, thus, rejected.

8. It is, however, requested that the Court below shall conclude the trial as expeditiously as possible and the Public Prosecutor shall cooperate and produce all the witnesses expeditiously.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)